

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:12-CV-258-BO

TIMOTHY and COLLEEN REDMOND,)
)
Plaintiffs,)
)
v.)
)
GREEN TREE SERVICING, LLC,)
)
Defendant.)
)

ORDER

This matter is before the Court on the plaintiffs' motion for reconsideration pursuant to FED. R. CIV. P. 60(b). [DE 52]. For the reasons stated herein, the motion is DENIED.

BACKGROUND

On March 25, 2014, this Court entered an order granting defendant's motion for summary judgment. On April 16, 2014, plaintiffs filed the instant motion to reconsider.

DISCUSSION

FED. R. CIV. P. 60(b) permits a court to relieve a party from final judgment. However:

[i]t is a well settled principle of law that a Rule 60(b) motion seeking relief from a final judgment is not a substitute for a timely and proper appeal. Therefore, before seeking relief under Rule 60(b), a party must show "timeliness, a lack of unfair prejudice to the opposing party, a meritorious defense, and exceptional circumstances." After a party has crossed this initial threshold, he must then satisfy one of the six specific sections of Rule 60(b).

Dowell v. State Farm Fire & Cas. Auto Ins. Co., 993 F.2d 46, 48 (4th Cir. 1993) (quoting *Werner v. Carbo*, 731 F.2d 204, 207 (4th Cir. 1984)).

Here plaintiffs fail to make the threshold showing of a meritorious defense or exceptional circumstances. Plaintiffs aver that they filed their motion "in order to bring attention to selected

evidence" that "the Court may have overlooked. . ." [DE 52 at 1]. This amounts to nothing more than an attempt to relitigate the merits of the motions for summary judgment on which the Court already ruled because plaintiffs disagree with the Court's ruling. Plaintiffs do not point to any mistake, inadvertence, surprise, or excusable neglect warranting relief from judgment and make no real argument that any error occurred. Further, this Court considered the evidence plaintiffs fear it did not in making its earlier ruling. Plaintiffs' disagreement with the ruling is not appropriate grounds for reconsideration. As it is clearly without merit, the motion for reconsideration is denied.

CONCLUSION

For the foregoing reasons, the plaintiffs' motion for reconsideration is DENIED.

SO ORDERED.

This 9 day of June, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE